

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUIS MONTES	:	CIVIL ACTION
	:	
v.	:	
	:	
VINCENT MOONEY, et al.	:	NO. 16-653

ORDER

AND NOW, this 5th day of October, 2016, upon consideration of Luis Montes's pro se petition for writ of habeas corpus, the Honorable Timothy R. Rice's Report and Recommendation in this matter (docket entry # 9),¹ and after careful independent review of Montes's petition, it is hereby ORDERED that:

1. Magistrate Judge Rice's Report and Recommendation is APPROVED and ADOPTED;
2. Mann's petition for writ of habeas corpus (docket entry # 1) is DISMISSED WITH PREJUDICE;
3. We DECLINE to issue a certificate of appealability;² and
4. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.

¹ Montes failed to timely file objections to the Report and Recommendation pursuant to Local Rule 72.1 IV (b).

² A certificate of appealability should issue only when reasonable jurists could disagree with our ruling, see Slack v. McDaniel, 529 U.S. 473, 484 (2000), and that is not the case here.